

**DENTISTRY EXAMINING BOARD
REGULAR MEETING
November 6, 2002**

MEMBERS PRESENT: Bruce Barrette, DDS; David Carroll, RDH; Keith D. Clemence, DDS; Nanette Kosydar Dreves, RDH, Judith Ficks, Wilbur Gill, DDS; Karen Jahimiak, DDS, Cathy Schleis, RDH; Arthur Srb, Richard Strand, DDS; and Bruce Wayne Trimble DDS

STAFF PRESENT: Deanna Zychowski, Bureau Director; William Dusso, Legal Counsel; Pamela Meicher, Program Assistant and other Division staff for portions of the meeting

GUESTS: Carolyn Landgraf, Teeth Whitening Salon, Dennis Engel, DDS,-WDA, Mara Brooks, WDA; Robert Hunter, Assistant Attorney General

CALL TO ORDER

Chair Bruce Barrette called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

The Board gave the pledge of allegiance.

APPROVAL OF AGENDA

Additions to the Agenda:

Revised Rules relating to Faculty License
AADE Report on Dental Examiners
Memo to William Black on the Krahenbuhl Case
Memo from Robert Hunter to William Dusso on the Krahenbuhl case

MOTION: Judith Ficks moved, seconded by Nanette Kosydar Dreves, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES September 11, 2002

Amendments to the Minutes:

Page 1 – Correct “WDHA to WDA”
Page 6 – Correct the spelling for “Dr. Barrette” in the last motion

MOTION: Nanette Kosydar Dreves moved, seconded by Wilbur Gill, to approve the Minutes as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

H. WINSTON SLATER, DDS

DOE Attorney Steven Gloe presented a proposed stipulation in the matter concerning H. Winston Slater, DDS. This matter will be deliberated on in closed session.

LARRY NILLISSEN, DDS

DOE Attorney Jack Zwieg presented a proposed stipulation in the matter concerning Larry Nillissen, DDS. This matter will be deliberated on in closed session.

REPORT ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

Informational report.

BOARDS STUDYING IMPAIRED PROFESSIONAL PROCEDURE DR. BARBARA SHOWERS

Dr. Barbara Showers discussed the IPP program. LeeAnn Cooper has left the Department and Dr. Showers thought this would be a good opportunity to evaluate the direction of the program and what the role of the coordinator should be. Dr. Showers would like the Board recommendations on how the program should progress. Dr. Showers also advised the Board that Darwin Tichenor is the current monitor of the IPP program who responds to the day to day issues.

Judith Ficks is the current Board liaison for the IPP program. Judith stated that the decision points for the IPP program should have already been updated. Judith stated that this program should be preventive and voluntary. Judith would like the department to update the brochure and distribute copies to Board members. The Board would like an article written and published in the Regulatory Digest.

SECRETARY OSCAR HERRERA

Secretary Oscar Herrera addressed the Board and reported on the good news from the Budget Committee that is reviewing state departments. The committee is made up of legislators and that are addressing department budget issues. Secretary Herrera was complimented on how the department of Regulation and Licensing is run. The department currently credentials 111 professions, up from 65, with the same number of employees from ten years ago.

Secretary Herrera wants to ensure that the department will be left in order, with no loose ends, when the new governor takes over. He wants the department staff to continue to serve the boards and the citizens of Wisconsin. The department plans to fill three supervisory positions in the

near future. Secretary Herrera's goal is to serve the people of the state and boards with a smooth transition to the next governor. Secretary Herrera stated that the department has done a good job of licensing over 300,000 professionals with a staff of 127. The Secretary is proud of the management staff and the people that credential professionals.

Dr. Bruce Barrette thanked Secretary Herrera for all that the department has accomplished in the last six to twelve months.

REVIEW OF PROPOSED RULES RELATING TO FACULTY LICENSURE

Attorney William Dusso explained that when rules are sent on to the clearing house, they need to be in draft style. Paralegal Pamela Haack formats the rules prior to sending them onto the clearing house.

MOTION: Wilbur Gill moved, seconded by Richard Strand, to approve the language of rule DE 2.015 Faculty license as proposed. Motion carried unanimously.

REVIEW OF PROPOSED RULES RELATING TO SPECIALTY BOARDS

William Dusso discussed the amended language of rule DE 6.02 (4) (c) relating to specialties with the Board.

MOTION: Keith Clemence moved, seconded by Karen Jahimiak, to approve the amended language of rule DE 6.02 (4) (c) relating to dental specialties as proposed. Motion carried unanimously.

CRDTS MINUTES FROM SEPTEMBER MEETING

The Board noted the minutes from the CRDTS September meeting.

REPORT OF MEETING WITH WISCONSIN RURAL HEALTH DEVELOPMENT COUNCIL

Dr. Bruce Barrette briefly discussed his remarks from the Wisconsin Rural Health Development Council meeting held on October 10, 2002. Dr. Barrette noted the thank you reply he received from M. Jane Thomas, Rural Health Specialist. Dr. Barrette said the discussion at the meeting was both spirited and lively. Dr. Barrette wanted to publicly thank both Cindy Riffle and Nanette Kosydar Dreves for their contributions made at the meeting.

PRACTICE QUESTION RELATING TO TEETH BLEACHING

Carolyn Landgraf, RDH, proposed a question to the Board related to teeth bleaching. Ms. Landgraf wanted to know whether she could legally pursue a business of teeth bleaching in

Wisconsin. The ADA is not taking an active response on this issue because they do not know what the long term effects of teeth bleaching will be. After a lengthy discussion by the Board, it was decided to table this issue for further research.

MOTION: Nanette Kosydar Dreves moved, seconded by David Carroll, to table the discussion on teeth bleaching by dental hygienists until further research can be done. Vote taken; 9 - yes, 2 - no. Motion carried

ARTICLE ON GINGIVAL CURETTAGE

The article on the American Academy of Periodontology Statement regarding gingival curettage was noted by the Board.

ADJOURN TO CLOSED SESSION

MOTION: Judith Ficks moved, seconded by Karen Jahimiak, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85(1)(a)(b)(f) and (g) for the purpose of reviewing applications, considering requests for stays of suspension, review of second amended petition for extension of deadline to pay costs, deliberation of proposed stipulation, deliberation of an administrative warning, meeting with the Division of Enforcement and consulting with Legal Counsel. Roll call vote: Bruce Barrette – yes; David Carroll – yes; Keith Clemence – yes; Nanette Kosydar Dreves – yes; Judith Ficks – yes; Wilber Gill – yes; Karen Jahimiak – yes; Catherine Schleis – yes; Arthur Srb – yes; Richard Strand – yes; and Bruce Wayne Trimble – yes. Motion carried unanimously.

Open session adjourned at 10:35 a.m.

RECONVENE INTO OPEN SESSION

MOTION: Nanette Kosydar Dreves moved, seconded by David Carroll, to reconvene into open session. Motion carried unanimously.

Reconvened to open session at 2:10 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

APPLICATION REVIEWS

DEBRA MULLINS, DMD

MOTION: Karen Jahimiak moved, seconded by Catherine Schleis to approve the application of Debra Mullins, DMD. Motion carried unanimously.

WILLIAM V. BERGE, DDS

MOTION: Karen Jahimiak moved, seconded by Catherine Schleis to approve the application of William V. Berge, DDS. Motion carried unanimously.

DIANE L. JOHNSON, RDH

MOTION: Karen Jahimiak moved, seconded by Catherine Schleis to approve the application of Diane L. Johnson, RDH. Motion carried unanimously.

CRAIG E. FLEURY, DDS

MOTION: Keith Clemence moved, seconded by Catherine Schleis to approve the application of Craig E. Fleury, DDS. Motion carried unanimously.

CONFER WITH LEGAL COUNSEL

MOTION: Wilbur Gill moved, seconded by Karen Jahimiak, The Board consulted with Administrative Law Judge William A. Black concerning his proposed decision *In the Matter of Disciplinary Proceedings Against Lee R. Krahenbuhl, DDS* and especially the credibility of the expert witness in the matter, deliberated on the matter, and requested that the Board Chairman Dr. Barrette prepare an Amended Final Decision in the matter, with the assistance of counsel, to reflect the Board's deliberations and that the Amended Final Decision be presented for consideration to the Board at a special meeting to be held in approximately two weeks. Richard Strand left the room and was not present during the deliberations, Judith Ficks and Richard Strand abstained. Motion carried.

REVIEW SECOND AMENDED PETITION TO EXTEND DEADLINE TO PAY COSTS

BRIAN PAINTER, DDS

MOTION: Keith Clemence moved, seconded by David Carroll to deny the second amended petition to extend the deadline to pay costs in the matter concerning Brian Painter, DDS. Vote taken 8 - yes, 2 - no, Bruce Trimble abstained. Motion carried.

PROPOSED STIPULATIONS

H. WINSTON SLATER, DDS

MOTION: Bruce Trimble moved, seconded by Judith Ficks to adopt the Stipulation in the matter concerning H. Winston Slater, DDS. David Carroll abstained. Motion carried.

LARRY NILLISSON, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by Karen Jahimiak, to adopt the Stipulation in the matter concerning Larry Nillisson, DDS. David Carroll and Judith Ficks abstained. Bruce Trimble voted no. Motion Carried

REQUEST FOR STAYS OF SUSPENSION

WILLIAM C. BEAUPRE, DDS

MOTION: Nanette Kosydar Dreves moved, seconded by David Carroll to grant a three month stay of suspension to William C. Beaupre, DDS. Motion carried unanimously.

LEON O. CUMMINGS, DDS

MOTION: Richard Strand moved, seconded by Judith Ficks to grant a three month stay of suspension to Leon O. Cummings, DDS. Motion carried unanimously.

MICHAEL S. MECIKALSKI, DDS

MOTION: Judith Ficks moved, seconded by Catherine Schleis to grant a four month stay of suspension, to reduce therapy sessions to one session every four months, and to deny the request for reduced random UA tests for Michael S. Mecikalski, DDS. Motion carried unanimously.

BLAIR D. MOLDENHAUER, DDS

MOTION: Judith Ficks moved, seconded by Richard Strand to grant a three month stay of suspension to Blair D. Moldenhauer, DDS. Motion carried unanimously.

CRAIG W. MOON, DDS

MOTION: Judith Ficks moved, seconded by Catherine Schleis to grant a four month stay of suspension to Craig W. Moon, DDS. Bruce Trimble abstained. Motion carried.

ADMINISTRATIVE WARNINGS

01 DEN 046

MOTION: Nanette Kosydar Dreves moved, seconded by Richard Strand, to issue an administrative warning in the case of **01 DEN 046**. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Catherine Schleis moved, seconded by Karen Jahimiak, to close complaint **01 DEN 097**, for prosecutorial discretion with a flag on the license. Motion carried unanimously.

MOTION: Keith Clemence moved, seconded by Art Srb, to close complaint **02 DEN 050**, for no violation. Motion carried unanimously.

MOTION: Nanette Kosydar moved, seconded by Catherine Schleis, to close complaint **00 DEN 038**, for insufficient evidence. Motion carried unanimously.

MOTION: Nanette Kosydar Dreves moved, seconded by Karen Jahimiak, to close complaint **02 DEN 006**, for insufficient evidence. Motion carried unanimously.

MOTION: David Carroll moved, seconded by Bruce Trimble, to close complaint **02 DEN 060**, for no violation. Motion carried unanimously.

MOTION: David Carroll moved, seconded by Richard Strand, to close complaint **02 DEN 044**, for insufficient evidence. Motion carried unanimously.

MOTION: Wilbur Gill moved, seconded by Richard Strand, to close complaint **01 DEN 082**, for no violation. Motion carried unanimously.

ADJOURNMENT

MOTION: Richard Strand moved, seconded by Nanette Kosydar Dreves, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:31 p.m.